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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/768,133	01/23/2001	Ritsuko Nagao	SEL 236	3327

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COOK, ALEX, MCFARRON, MANZO,
CUMMINGS & MEHLER, LTD.
Suite 2850
200 West Adams St.
Chicago, IL 60606

EXAMINER

PHAM, THANH V

ART UNIT PAPER NUMBER

2823

DATE MAILED: 07/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/768,133

Applicant(s)

NAGAO ET AL.

Examiner

Thanh V Pham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 May 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10, 12, 14, 16, 18, 20, 22, 24, 26, 28 and 30-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 05/30/03 have been fully considered but they are not persuasive.
2. Applicants argue that Chen discloses a method for producing a planar surface and the reference is directed to using the method to form an ULSI in contrast to the present invention as claimed which is directed to a method of fabricating a display device by forming a pixel electrode and forming one of a layer selected from the group consisting of a liquid crystal layer and an EL layer.

As pointed out in the previous Office Action, the planar surface method of Chen is used in the applicants' admitted prior art wherein conventional fig.3 shows forming one of a layer selected from the group consisting of a liquid crystal layer and an EL layer over the pixel electrode. The employment of Chen, the formation of a transistor, into the applicants' admitted prior art's layers 701-706 would be appropriated in the art of manufacturing LCD or EL. The planar surface formed by Chen's method is good enough to provide the flat surface of the second organic/inorganic leveling film of the claimed invention.

Response to Amendment

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 1-10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over applicant's admitted prior art in combination with Chen U.S. Patent No. 5,453,406.

The applicant's admitted prior art for the TFT formation to form a display device having pixel electrodes and an insulative layer over the pixel electrodes is similar to the instant invention, having use of an organic material where a low dielectric property is considered (the instant specification, page 2, second paragraph) but lacking the second leveling layer over the insulative layer (instant invention's specification page 7).

The Chen reference discloses a method for producing a planar surface (col. 2, lines 64-67) wherein the thickness of a first leveling film 40 (2,000-3,000 Angstroms, col. 6, lines 1-10) formed above a wiring 34 is thinner than that of a second leveling film 42 (4,000-6,000 Angstroms, col. 6, line 53-54) formed on the first leveling film. Both first and second leveling films are formed by spin coating and by the same material (col. 6, line 30). The method could be used to coat a display device (MPEP 2111.02).

Although Chen uses inorganic SOG material for the insulative layer, the applicant states "an organic material where a low dielectric property is considered" (the instant specification, page 2, second paragraph) and "a polyimide resin, an acrylic resin, a resin containing a siloxane structure, or an inorganic SOG material can be used" (instant specification's page 7, third paragraph) in such a manner that organic or inorganic materials are interchangeable.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of applicant's admitted prior art and the Chen's method, using organic materials for the two leveling films, to enable formation of the insulative layer of the applicant's admitted prior art process using the process of Chen and furthermore to achieve increased planarity over the formed TFT.

Choice of thickness of the leveling layers would depend on many other factors such as the gap between the protruded elements or the height of the protruded element and would be obtained by routine experimentation, MPEP 2144.05.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the appropriate thickness such as the thickness in the ranges as claimed into the process of Chen as the thickness would be selected in accordance with the surface planarization art as taught by Chen.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh V Pham whose telephone number is 703-308-2543. The examiner can normally be reached on M-T (6:30-5:00).

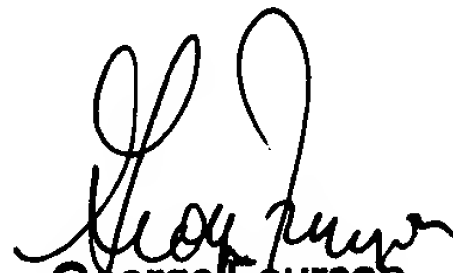
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Olik Chaudhuri can be reached on 703-306-2794. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7722 for regular communications and 703-308-7382 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

WP

TvP

June 23, 2003


George Fourson
Primary Examiner